

they appear therein and substitute therefore the words or figures "twenty-five thousand" (25,000).

Committee Room,
Austin, Texas, February 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 296, A bill to be entitled "An Act requiring the school authorities in cities having a population of five thousand inhabitants and over to provide sufficient and adequate protection against fire or panic in school buildings under the management and control of such school authorities; defining the term "adequate and sufficient fire protection;" providing for the making of sworn reports by the chief of the fire department or fire marshal or other officer or officers exercising like or similar powers and providing for the duty of the mayor or board of commissioners or other governing authorities and city attorney, in relation thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the attached committee amendment.

LOVE, Chairman.

Committee Amendment, S. B. 296.

By Senator Love:

Amend S. B. No. 296 by striking out in the caption of the words "five thousand inhabitants" and inserting in lieu thereof the words "ten thousand inhabitants."

Also by striking out in Section 1 the words "five thousand inhabitants" and inserting in lieu thereof the words "ten thousand inhabitants."

NINETEENTH DAY.

Senate Chamber,
Austin, Texas.

Wednesday, February 9, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Lewis.	Wirtz.
Miller.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 313, A bill to be entitled "An Act to amend Section 19, of Article 8306, of the Revised Civil Statutes, 1925, relating to compensation for employees hired in Texas but injured outside of Texas, so as to provide that said Section shall be amended to read as set forth in this Act, and providing that if any section of this Act be held to be invalid, unconstitutional or inoperative that no other section or part thereof shall be effected thereby, and to declare an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 314, A bill to be entitled "An Act repealing Chapter 6, Title 39, of the Revised Statutes, 1925, and substituting therefor this Act requiring the Courts of Civil Appeals to make and file separate conclusions of fact and law in all cases decided by them and affording to any party to a suit decided by any such court, in case of refusal by such court to comply with the provisions of said Act, the right to have a writ of man-

damus issued by the Supreme Court compelling compliance with the provisions of this Act, and containing an emergency clause."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bledsoe:

S. B. No. 315, A bill to be entitled "An Act to provide an additional salary of two thousand dollars each per annum to the members of the Railroad Commission of Texas to be paid out of the fund created under Article 6032 of the Revised Civil Statutes of the State of Texas, and one thousand five hundred dollars each per annum to be paid out of the fund created under Article 6060 of the Revised Civil Statutes of the State of Texas, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hall:

S. B. No. 316, A bill to be entitled "An Act to amend Article 4993, Chapter 18, of the Revised Civil Statutes of Texas, 1925 providing that corporations organized and doing business under Section 10 of Article 4989 may invest the excess of their capital over and above fifty thousand dollars in purchase or construction of a complete abstract plant, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 317, A bill to be entitled "An Act to prevent the employment of attorneys by officers, heads of departments, educational, eleemosynary, or other institutions of the State, with certain exceptions, providing that it shall be the duty of the Attorney General in person, or by such of his assistants as he may designate, to attend, whenever practicable, all meetings of the State Highway Commission, the State Textbook Commission, the Railroad Commission, the Prison Commission, the Intangible Tax Board, the Industrial Accident Board, the Board of Regents of the University of Texas, the Board of Directors of the Agricultural and Mechanical College of Texas, and the Boards of Education of any and all State Educational institutions of Texas, and any and all hearings before such boards, commis-

sions or commissioners, etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Love, Ward, Wood:

S. B. No. 318, A bill to be entitled "An Act to amend Article 6819 of the Revised Civil Statutes of Texas, 1925, fixing the compensation of the reporter of the Court of Criminal Appeals, of Texas, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 319, A bill to be entitled "An Act providing that a person may be named as beneficiary in any policy issued by a legal reserve life insurance company on the life of another to whom he or she is related by affinity within the third degree or by consanguinity within the fourth degree, etc."

Read first time and referred to Committee on Insurance.

By Senator Westbrook:

S. B. No. 320, A bill to be entitled "An Act making invalid intrastate sales in this State of prison made goods, wares, merchandise and articles, and so forth, and declaring an emergency."

Read first time and referred to Committee on Labor.

By Senator Moore:

S. B. No. 321, A bill to be entitled "An Act amending Article 6770 of the Revised Civil Statutes, 1925, said Article being a part of the laws of this State relating to roads, bridges, and ferries so as to eliminate that part of said Article exempting Hunt County from Subdivision 4, Chapter 3, Title 116, of the Revised Civil Statutes, 1925, and declaring an emergency."

Read first time and referred to Committee on State Highway and Motor Traffic.

By Senator Moore:

S. B. No. 322, A bill to be entitled "An Act to provide for the manner of placing names of candidates on official ballots at special elections, etc., and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Ward:

S. B. No. 323, A bill to be entitled "An Act authorizing the district judge to appoint auditors to audit the books of any incorporated city or town in his judicial district, and making it his duty to do so upon the application of three or more taxpayers of said city or town; prescribing the authority of such auditors and providing for their compensation; enacting Article 1001-a, of the Revised Civil Statutes, 1925, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

H. C. R. No. 12.

The Chair laid before the Senate, on second reading, H. C. R. No. 12, relating to funds in possession of the Secretary of War.

The resolution was read and adopted.

Motion to Recommit.

Senator Bailey moved that S. B. No. 296, be recommitted to the Committee on Internal Improvements for further hearing. The motion was carried.

House Bill No. 3.

The Chair laid before the Senate, on second reading, H. B. No. 3, relating to waters in the Pecos River.

The committee report was adopted.

The bill was read second time and passed to third reading.

House Bill No. 6.

The Chair laid before the Senate, on second reading, H. B. No. 6, relating to the redemption of property for taxes.

The committee report was adopted.

The bill was read second time and passed to third reading.

House Bill No. 28.

The Chair laid before the Senate, on second reading, H. B. No. 28, amending Article 942, Title 27, of the Revised Civil Statutes of 1925.

Senator Bailey moved that the committee report that the bill be not printed be adopted. The motion was adopted.

H. B. No. 28 was read second time and passed to third reading.

House Bill No. 30.

The Chair laid before the Senate, on second reading, H. B. No. 30,

amending Article 2162, Chapter 8, Title 42, of the Revised Civil Statutes of 1925.

On motion of Senator Bailey, the committee report was adopted.

The bill was read second time and passed to third reading.

House Bill No. 32.

The Chair laid before the Senate, on second reading, H. B. No. 32, amending Article 2253, Chapter 12, Title 42, of the Revised Civil Statutes of 1925.

The committee report, on motion of Senator Bailey, was adopted.

The bill passed to third reading.

House Bill No. 34.

The Chair laid before the Senate, on second reading, H. B. No. 34, amending Article 2312, Chapter 13, Title 42, of the Revised Civil Statutes of 1925.

The committee report was adopted.

The bill was passed to third reading.

House Bill No. 40.

The Chair laid before the Senate, on second reading, H. B. No. 40, amending Article 3872, Title 60, of the Revised Civil Statutes of 1925.

The committee report was adopted.

The bill was passed to third reading.

House Bill No. 43.

The Chair laid before the Senate, on second reading, H. B. No. 43, amending Article 4231, Chapter 10, Title 69, of the Revised Civil Statutes of 1925.

The committee report was adopted.

The bill was passed to third reading.

House Bill No. 57.

The Chair laid before the Senate, on second reading, H. B. No. 57, amending Articles 2238, 2239 and 2240, of the Revised Civil Statutes of 1925.

The committee report was adopted.

The bill was passed to third reading.

House Bill No. 75.

The Chair laid before the Senate, on second reading, H. B. No. 75, regulating certificates of nominations.

The committee report was adopted.

The bill was passed to third reading.

House Bill No. 80.

The Chair laid before the Senate, on second reading, H. B. No. 80, changing the name of the court of Bexar County.

The committee report was adopted.

The bill was passed to third reading.

House Bill No. 98.

The Chair laid before the Senate, on second reading, H. B. No. 98, relating to the payment of an assistant district attorney.

The committee report was adopted.

Senator McFarlane sent up the following amendment:

By Senator McFarlane:

Amend H. B. No. 98, immediately after Line 39, by adding Section 1a, as follows:

Section 1a. That the sum of twelve hundred and fifty dollars be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the salary of the assistant district attorney provided for herein for the year ending August 31, 1927.

Senator McFarlane moved the adoption of the amendment. The amendment was adopted.

The bill passed to third reading.

House Bill No. 147.

The Chair laid before the Senate, on second reading, H. B. No. 147, allowing appeal to the Court of Civil Appeals.

Senator Bailey moved that the majority committee report as amended be adopted. The motion carried.

Senator Pollard moved that the bill be laid on the table subject to call.

Senator Pollard withdrew his motion.

Senator Bailey renewed the motion that H. B. No. 147 be laid on the table subject to call. The motion was adopted.

House Bill No. 268.

The Chair laid before the Senate, on second reading, H. B. No. 268, relating to the creation of an additional court for Harris County.

The committee report was adopted.

The bill was passed to third reading.

House Bill No. 274.

The Chair laid before the Senate, on second reading, H. B. No. 274,

relating to the creation of a county criminal court for Dallas County.

The committee report was adopted.

The bill passed to third reading.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 274 was put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Triplett.
Hall.	Ward.
Holbrook.	Westbrook.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.

Absent.

Hardin.	Smith.
Lewis.	Stuart.
Miller.	Wirtz.
Price.	

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Triplett.
Holbrook.	Ward.
Love.	Witt.
McFarlane.	Wood.
Moore.	Woodward.

Nays—1.

Westbrook.

Absent.

Hardin.	Price.
Lewis.	Stuart.
Miller.	Wirtz.

Invitation From the House.

The Chair laid before the Senate the following invitation from the House:

Simple Resolution.

By Mr. Durham:

Resolved, That the Senate of Texas be, and is hereby invited to be pres-

ent at the address of the Hon. Richard T. Hobson, which is to be delivered in the hall of the House of Representatives on Wednesday, February 9, 1927, and that the clerk be and is hereby directed to transmit this resolution to the Senate herewith.

House Bill No. 268.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 268 was put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Triplett.
Hall.	Ward.
Holbrook.	Westbrook.
Love.	Wirtz.
McFarlane.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin.	Price.
Lewis.	Stuart.
Miller.	Wirtz.

The bill was read third time and passed finally.

House Bill No. 98.

Senator McFarlane asked the suspension of the constitutional rule and final passage of H. B. No. 98. The Chair declared the motion pending business after the visit to the House.

Visit to the House.

At 11:30 a. m., the Chair announced that the Senate would proceed to the House to hear the address by Captain W. P. Hobson.

Back in the Senate.

After the members of the Senate returned to the Senate Chamber, the Senate, at 12:30, on motion of Senator Russek, recessed until 2:30 p. m.

After Recess.

The Senate was called to order at 2:30 p. m. by Lieutenant Governor Barry Miller, pursuant to recess.

Senate Bill No. 98.

(Pending)

Constitutional rule was suspended by the following vote:

Yeas—25.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Russek.
Fairchild.	Smith.
Floyd.	Triplett.
Greer.	Ward.
Hall.	Westbrook.
Hardin.	Wirtz.
Holbrook.	Witt.
Love.	Wood.
McFarlane.	Woodward.
Neal.	

Absent.

Lewis.	Real.
Miller.	Reid.
Moore.	Stuart.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Witt.
Love.	Wood.
McFarlane.	Woodward.
Moore.	

Present—Not voting.

Wirtz.

Absent.

Lewis.	Reid.
Miller.	Westbrook.
Real.	

Invitation From Governor.

The Chair laid before the Senate the following invitation from the Governor:

Executive Mansion,
Austin, Texas.

The members of the Senate of the Fortieth Legislature, and their immediate families are cordially invited to attend an informal reception at the Governor's Mansion on Friday

evening, February eleventh, from eight to eleven o'clock.

MR. AND MRS. DAN MOODY.
The invitation was accepted.

Senate Bill No. 260.

Senator Fairchild moved to recommit S. B. No. 260 to the Committee on Public Health.

Senator Holbrook moved to table the motion of Senator Fairchild.

Senator Witt raised the point of order that the bill could not be re-committed to the committee because it had been reported on adversely by the committee.

The Chair (Lieutenant Governor Barry Miller) overruled the point of order.

The motion to table was adopted by the following vote:

Yeas—15.

Bailey.	Smith.
Bledsoe.	Stuart.
Bowers.	Westbrook.
Greer.	Wirtz.
Hardin.	Witt.
Holbrook.	Wood.
Price.	Woodward.
Russek.	

Nays—8.

Berkeley.	Parr.
Fairchild.	Pollard.
Love.	Triplett.
McFarlane.	Ward.

Present—Not voting.

Floyd.	Neal.
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Absent.

Hall.	Moore.
Lewis.	Real.
Miller.	Reid.

Consent to Print

Senator Fairchild asked unanimous consent to have read and printed in the Journal, the following telegram:

Dallas, Texas.
February 9, 1927,
Hon. I. D. Fairchild,
member of Senate,
Austin, Texas.

I earnestly solicit your support of Senate Bill No. 260. The Christian Scientists of Texas feel that they are placed under unjust and burdensome restrictors under the present medical practice Act and as law-abiding citizens, that we should be accorded

the same rights of conscience and judgment on matters of religious belief and curative practice as are allowed to those of other religious and medical opinions or preferences. We ask for fair play and equal rights at the hands of our fellow citizens.

SAM P. COCHRAN.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following message:

Executive Department,
Austin, Texas, February 9, 1927.
To the Honorable Senate of the State of Texas:

Gentlemen: With your consent, advice and concurrence, I desire to appoint the following named persons to the offices set opposite their respective names:

Honorable Henry T. Kimbro of Lubbock County, to be a member of the Board of Directors of the Texas Technological College, to succeed himself, for a term of six years.

Honorable George C. Comegys of Collin County, to be a member of the Board of Directors of the Texas Technological College, to fill the vacancy caused by the resignation of the Honorable Amon G. Carter.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

Read first time and referred to Committee on Governor's Nominations.

Consent to Print.

Senator Witt received unanimous consent to have printed in the Journal, the following communication:

TEXAS STATE RAILROAD
Houston, Texas, January 10, 1927.
Governor Miriam A. Ferguson,
Austin, Texas.
Her Excellency:

As provided by Senate Bill No. 267, approved March 12, 1921, and subsequent amendments thereto, we submit herewith the semi-annual report of the Board of Managers of the Texas State Railroad for the period from June 30, 1926 to and including December 31, 1926.

The report of the Board of Managers of December 31, 1925, filed in the Governor's office, with the Legislature and printed in the House and

Senate Journals, reviewed narratively all facts connected with the operation of the railroad beginning with the date it was placed in the hands of the Board of Managers down to December 31, 1925. In addition thereto there was attached to this narrative review of facts connected with said State Railroad, a complete detailed and itemized statement of each and every item of expenditures made by said Board of Managers out of the funds of the State Railroad. Our report of June 30, 1926, supplemented and brought down to its date the report of December 31, 1925. In both of these statements the names of the firms or persons from whom monies were received were given, and the names of such persons and firms to whom money was paid, and the date of each and every item of receipts and disbursements were given. In the summary of both statements the final cash balance on hand is given and certified to by the Comptroller. You will find attached hereto statement certified to by the Comptroller, showing all receipts and disbursement, and the names of payees to whom payments have been made, the purpose for which made, and the source from which all revenue received has come. To avoid repetition, the four reports above mentioned are here referred to and are by reference incorporated herein and made a part hereof, so that this report, taken in connection with the report filed on December 31, 1924, and the report filed June 30, 1925, and the report filed January 31, 1925, and the report filed June 30, 1926, contains a complete narrative review of the acts of the Board of Managers from the date said road was taken over by it, and a complete, detailed and itemized statement of all receipts and disbursements by it received and made, down to and including the 31st of December, 1926.

The attached itemized statement of expenditures and disbursements, certified to as of January 1, 1927, by the Comptroller, shows a balance in the State Treasury to the credit of the Board of Managers of the Texas State Railroad on December 31, 1926, of \$28,821.16.

The T. & N. O. Railroad, lessee of the Texas State Railroad, has expended in improving the road to date of November 30, 1926, the sum

of \$240,016.41. The road is now a standard railroad of the first class.

The T. & N. O. lease on the Texas State Railroad expired November 6, 1926. The T. & N. O. Railroad sought and is seeking to renew the lease under the terms of the original lease. The Board of Managers have decided that it would not be to the best interest of the State to renew the existing lease with the T. & N. O. Railroad, particularly for a long period of time. The Board believes the State's investment in the State Railroad should now yield a definite and fixed income and has made such proposal to the T. & N. O. Railroad. In order that the business of the road may not cease, the Board of Managers has granted the T. & N. O. Railroad a six months operating extension that it may have time to consider the terms named by the Board of a new lease.

The Board is also continuing its efforts looking to a satisfactory and profitable sale of the road, believing as the Board does that the State of Texas cannot economically engage in business pursuits.

The Board of Managers, as provided by law, submits this report to your Excellency, showing the manner in which the Board has performed its duties under the law in caring for the State's property, viz; the Texas State Railroad, thirty-two and a fraction miles in length, operated from Rusk to Palestine.

Respectfully,

LYNCH DAVIDSON, Chairman,
J. A. GLEN, Member.

Board of Managers, Texas
State Railroad.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions:

S. C. R. No. 9, Relating to passes to be constructed across Padre Island.

S. C. R. No. 11, Inviting Gov. A. C. Richie to address a joint session of the Legislature.

S. C. R. No. 12, Inviting Honorable William Gibbs McAdoo to address the Legislature in a joint session.

H. C. R. No. 19, Inviting Honorable Jim Reed of Missouri to address a joint session of the Legislature.

H. C. R. No. 20, Joining the Senate in inviting Gov. Al Smith to address the Legislature in joint session.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

H. C. R. No. 19.

The Chair laid before the Senate H. C. R. No. 19, inviting Hon. Jim Reed to address the Legislature.

On motion of Senator Love, the resolution was adopted.

H. C. R. No. 20.

The Chair laid before the Senate H. C. R. No. 20, inviting Gov. Al Smith to address the Legislature.

On motion of Senator Bailey, the resolution was adopted.

Motion to Print.

Senator Floyd moved that S. B. No. 212 be printed on minority report. The motion carried.

House Bill No. 240.

Senator Bledsoe asked unanimous consent to take up H. B. No. 240.

On motion of Senator Bledsoe, the rule requiring committee reports to lie over one day was suspended, and the bill was placed on its second reading, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Wirtz.
McFarlane.	Wood.
Moore.	Witt.
Neal.	Woodward.
Parr.	

Absent.

Lewis. Miller.

The committee report with amendments was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 240 was put in its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Lewis. Miller.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Lewis. Miller.

S. B. No. 259.

Senator Parr received unanimous consent to take up out of its regular order the following bill:

S. B. No. 259, A bill to be entitled "An Act to aid in protection of the property and lives of the citizens of Starr County from further disastrous and calamitous overflows and conserving and increasing the State revenue derived from said county by granting and donating to Starr

County, for a term of twenty-five years, or so much thereof as may be necessary, a portion of the State ad valorem taxes levied and collected on property subject to taxation in said county, to be used in payment in part of interest and sinking fund of bonds to be issued by said county to provide for the construction of necessary protection, and declaring an emergency."

Senator Parr sent up the following amendment:

Substitute Bill, Amendment No. 2,
S. B. No. 259.

Amend S. B. No. 259 by striking out all after the enacting clause and insert in lieu thereof the following:

Section. 1. For the purpose of aiding in the protection of the property and lives of the citizens of Starr County from further disastrous and calamitous overflows, and to conserve and increase the revenues derived by the State from said county, that part of the State ad valorem taxes, which is in excess of five cents on the hundred dollars valuation of property subject to taxation, collected upon property and from persons in the County of Starr, including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as provided by law, is hereby donated and granted by the State of Texas to the County of Starr for a period of twenty-five years, beginning January 1, 1927, to be used by said county in payment of interest and in creation of a sinking fund to pay the bonds of said county which shall be voted and issued as herein provided to obtain funds for the construction of the necessary breakwaters, levees, dikes, floodways, and drainways to protect said county from such disastrous and calamitous overflows.

Sec. 2. During the term of this grant the tax collector of said county shall collect and pay into the State Treasury, as prescribed by law, five cents on each one hundred dollars valuation of taxable property in said county, as State ad valorem taxes; while the portion of said State ad valorem tax which is hereby donated and granted to said county shall be levied and collected by said county as is herein provided.

Sec. 3. It is an express condition precedent of this donation and grant

that the resident property taxpayers who are qualified voters in Starr County shall, on or before October 1, 1927, authorize the issuance of bonds of said county in an amount not more than two hundred and fifty thousand dollars, voted, issued and sold as is or may be prescribed by law; the proceeds thereof to be applied to the construction of breakwaters, levees, dikes, floodways, and drainways necessary to protect said county from such overflows as are mentioned in Section 1 of this Act. The grant and donation of said taxes herein made shall not in any year exceed a sum equal to the amount required to provide the annual interest and sinking fund required to retire said amount of five per cent bonds on or before twenty-five years from the date this Act takes effect and the excess shall be paid to the State of Texas each year.

Sec. 4. This donation and grant is made with the further express condition precedent that in said county, through the formation of a district or otherwise, as may be now or hereafter provided by law, there shall be voted bonds in the additional amount of not less than seven hundred and fifty thousand dollars to obtain funds for the construction of the necessary breakwaters, levees, dikes, floodways and drainways to protect the county from overflows and flood waters and which may include also irrigation purposes, voted, issued and sold as is or may be provided by law; and the proceeds thereof to be applied to said purposes, and shall levy and collect in the manner prescribed by law, an ad valorem tax on all property subject to taxation in said county sufficient to pay the interest on said bonds as the same accrues and create a sinking fund in an amount sufficient to pay the principal thereof at maturity; and in addition thereto, an annual ad valorem tax of five cents on the one hundred dollars valuation shall be levied and collected to maintain said breakwaters, dikes, levees, floodways and drainways mentioned in this Act during the term of the grant made by this Act, and if necessary said county shall bond itself for the full constitutional limit for said purposes herein and assess and collect taxes to take care of same.

Sec. 5. The grant and donation hereby made shall take effect when-

ever the duly constituted authorities in Starr County shall have filed with the Comptroller of Public Accounts of this State a properly authenticated certified copy of the orders canvassing the returns and declaring the results of said elections for the issuance of bonds as herein provided; and satisfactory evidence of the issue and sale of said bonds and such certified copy of said orders shall likewise have the effect of authorizing and directing the Comptroller of Public Accounts to settle with the tax collector of said county in conformity with the provisions of this Act.

Sec. 6. The fact that there is imminent danger to life and property in the area provided in this bill, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Parr sent up the following amendment:

Amendment No. 3, S. B. No. 259.

Amend S. B. No. 259 by striking out all above the enacting clause and insert the following:

Whereas, Starr County is one of those counties which are subject to calamitous overflows, and

Whereas, a large area of the productive and cultivated land in said county is subjected practically every year, to great damage by high waters and calamitous overflows, whereby great property damage has been suffered, crops destroyed, and inhabitants drowned and many people are threatened with loss of life, which conditions cause and constitute a great public calamity; and

Whereas, the State has a direct interest in protecting its citizens and their property in said County from further destructive and calamitous overflows, and in conserving the revenues derived therefrom by the proper construction of necessary breakwaters, levees, dikes, floodways and drainways.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 259 put on its third reading and final passage, by the following vote:

Yeas—22.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Russek.
Greer.	Smith.
Hall.	Triplett.
Holbrook.	Ward.
Love.	Witt.
Moore.	Wood.

Nays—1.

Wirtz.

Present—Not voting.

Reid.

Absent.

Hardin.	Stuart.
Lewis.	Westbrook.
McFarlane.	Woodward.
Miller.	

The bill was read third time and passed finally, by the following vote:

Yeas—20.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Real.
Bowers.	Russek.
Fairchild.	Stuart.
Greer.	Triplett.
Hall.	Ward.
Holbrook.	Witt.
Love.	Wood.
Moore.	

Nays—4.

Pollard.	Smith.
Price.	Wirtz.

Present—Not voting.

Reid.

Absent.

Hardin.	Westbrook.
Lewis.	Woodward.
McFarlane.	

(Pairs Recorded.)

Senator Floyd (present), who would vote nay with Senator Miller (absent), who would vote yea.

S. R. No. 52.

Senator Love received unanimous consent to send up the following resolution:

By Senator Love.

S. R. No. 52, A resolution "Resolved, That the Senate invite Dr. J. B. Cranfill of Dallas County, a distinguished citizen and musician of Texas, who was once a prominent candidate for vice-president of the United States, and a citizen who wants no office and no legislation be invited to a seat within the bar of the Senate, and to address the body."

The resolution was read and adopted.

Dr. Cranfill Speaks.

The Chair appointed Senators Parr, Love, and Holbrook to conduct Dr. Cranfill to the platform.

The Chair introduced Dr. Cranfill, who briefly addressed the Senate.

S. B. No. 235.

Senator Holbrook asked unanimous consent to take up out of its regular order the following bill:

S. B. No. 235, A bill to be entitled "An Act to amend Title 67, Chapter 3 of the Revised Civil Statutes of 1925, and to provide that any county or city authorized by Title 118 of the Revised Civil Statutes of 1925 to construct, extend, protect, strengthen, maintain keep in repair, and otherwise improve any seawall or breakwater, levee, dike, floodway, and drainway may take any marl, gravel, sand or mudshell from any of the waters, reefs or bars included in Title 67, Chapter 3, Revised Civil Statutes of 1925, for use in any such work without payment therefor by such county or city or by any contractor doing such work for any such county or city to the Game, Fish and Oyster Commissioner, or to the State of Texas, and providing an emergency."

The committee report carrying amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 235 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Russek.
Fairchild.	Smith.
Hall.	Triplett.
Hardin.	Stuart.
Holbrook.	Ward.
Love.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Floyd.	Miller.
Greer.	Reid.
Lewis.	Westbrook.
McFarlane.	

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Russek.
Fairchild.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Love.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Absent.

Floyd.	Miller.
Greer.	Reid.
Lewis.	Westbrook.
McFarlane.	

S. J. R. No. 3.

The Chair laid before the Senate on second reading the following resolution:

S. J. R. No. 3, A joint resolution "Proposing an amendment to Article 4, Section 11, of the Constitution of the State of Texas, providing for the regulation and prescribing the manner of granting reprieves, commutations of punishment, and pardons, and providing for the submission of such amendment for ratification or rejection at the next general election; and making an appropriation to defray the expenses of submitting and holding an election on said amendment."

Senator McFarlane sent up the following amendment to the committee amendment:

Amendment No. 1 to S. J. R. No. 3.

That paragraph 1 of Section 2 of S. J. R. No. 3 be amended so as to hereinafter read as follows:

Sec. 2. The Governor is hereby directed to cause to be issued the necessary proclamation for the submission of this amendment to the qualified electors of this State for their ratification or rejection at the Special Election to be held for this purpose on the 21st day of June, A. D. 1927, following the adoption of this resolution, and shall make the publication required by the Constitution and Laws of this State. The ballots for said election shall have printed or written thereon the following words:

Senator Bailey moved to table all amendments and the amendment to the amendment

The motion was lost.

The question recurred to Senator McFarlane's amendment to the amendment. The amendment was lost.

The committee amendment was adopted.

Senator McFarlane sent up the following amendment:

Amendment No. 2 to S. J. R. No. 3.

Amend the caption by striking out the words "at the next General Election" and inserting in lieu thereof the following: "at the Special Election to be held the first Monday in August, 1927."

The amendment was adopted.

The resolution failed to be engrossed by the following vote:

Yeas—11.

Floyd.	Neal.
Greer.	Price.
Hall.	Westbrook.
Love.	Witt.
McFarlane.	Woodward.
Moore.	

Nays—18.

Bailey.	Real.
Berkeley.	Reid.
Bledsoe.	Russek.
Bowers.	Smith.
Fairchild.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Parr.	Wirtz.
Pollard.	Wood.

Absent.

Lewis.

Miller.

Message from the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 9, 1927.

Hon Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 155, A bill to be entitled "An Act to create the 104th Judicial District of Texas, and designating the counties constituting said district, and fixing the time for holding court therein; reorganizing the 39th Judicial District of Texas, and fixing the time for holding court in the various counties of said district; providing for the appointment of a judge for the newly created 104th Judicial District of Texas, for the appointment of District Attorneys for the 39th Judicial District of Texas; providing for the transfer of cases from the 104th Judicial District to the 42nd Judicial District, and vice versa; providing that the District Clerk of Taylor County shall be the Clerk of Taylor County of said newly created 104th District, and providing the manner of filing cases and numbering same in the 104th District, etc, with amendments."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Bills Signed.

After their captions had been read, the Chair signed in the presence of the Senate the following bills:

S. C. R. No. 9.
H. C. R. No. 12.

S. B. No. 155.

Senator Smith moved that the Senate do not concur in the House amendments and that the Senate request the House for a Conference Committee to adjust the differences.

The motion carried.

The Chair appointed the following Committee to act on the part of the Senate: Pollard, Smith, Ward, Price, Floyd.

S. B. No. 167.

Senator Ward received unanimous consent to take up out of its regular order the following bill:

S. B. No. 167, A bill to be entitled "An Act to create Road District No. 4, in Hill County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance, and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 167 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Lewis.	Miller.
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The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Greer.
Berkeley.	Hall.
Bledsoe.	Hardin.
Bowers.	Holbrook.
Fairchild.	Love.
Floyd.	McFarlane.

Moore.	Stuart.
Neal.	Triplett.
Parr.	Ward.
Pollard.	Westbrook.
Price.	Wirtz.
Real.	Witt.
Reid.	Wood.
Russek.	Woodward.
Smith.	

Absent.

Lewis.	Miller.
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Adjournment.

On motion of Senator Fairchild, the Senate, at 5:45 p. m., adjourned until 10 o'clock Thursday morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, February 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 5 carefully examined and compared, and find the same correctly enrolled, and have this day at 4:15 o'clock p. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee On Engrossed Bills.

Committee Room,

Austin, Texas, February 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 107 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, February 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 227 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, February 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 228 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, February 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 229 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, February 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 235 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, February 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 259 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, February 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 43, A bill to be entitled "An Act to create a State Board of Higher Education, to consist of eight members; fixing their term of office; prescribing their qualifications and duties; authorizing them to employ a high grade educational secretary and fixing his compensation; providing that they shall serve without compensation except actual expenses incurred; making appropriation to pay expenses of said board and the nominating committee provided for by this Act while in discharge of their official duties and repealing all laws in conflict therewith."

Have had the same under consideration, and I am instructed to

report it back to the Senate with recommendation that it do pass with the following committee amendments.

Committee Amendment No. 1 to S. B. No. 43.

Amend S. B. No. 43, Section 1 of said bill by providing that the State Board of Higher Education shall be composed of nine members instead of eight as provided in said bill.

Committee Amendment No. 2 to S. B. No. 43.

Strike out Section 2 of the bill and substitute the following:

Sec. 2. The Governor shall designate and appoint the members of the State Board of Education. Of those first appointed, three shall be named whose terms of office shall expire March 1, 1929; three whose terms shall expire March 1, 1931; and three whose terms shall expire March 1, 1933. In 1929 and biennially thereafter, the Governor shall appoint three persons possessing the necessary qualifications, to succeed the three members whose terms shall expire on March 1st of each year.

All appointments by the Governor shall be with the advice and the consent of the State Senate. In case there shall be, for any cause, a vacancy in the membership of said Board of Higher Education, the remaining members thereof shall appoint a suitable person to fill out the unexpired term.

Committee Amendment No. 3 to S. B. No. 43.

Strike out Section 9 of the bill and renumber the remaining Sections.

WITT, Chairman.

Committee Room,

Austin, Texas, February 9, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 11, A bill to be entitled "An Act providing for the classification of elementary and high schools by the county board of school trustees; providing for free tuition for certain high school students; repealing Art. 2678 R. S. 1925 and all other laws in conflict herewith and declaring an emergency"

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with committee amendment.

Committee Amendment.

Amend the bill by changing the maximum tuition rate to be charged, as provided in Section 1 of said bill, from \$7.00 as appearing in said Section to \$5.00.

WITT, Chairman.

Committee Room,
Austin, Texas, February 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 202, A bill to be entitled "An Act regulating tuition, fees and charges at State educational institutions; limiting the amount of same; requiring the placing of same in the State Treasury so that the same shall be subject to appropriation of the Legislature and payable on warrants of the Comptroller; permitting voluntary payments for student activities under certain restrictions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with committee amendment.

Committee Amendment.

Strike out Section 3 of the bill and renumber the following Sections accordingly.

WITT, Chairman.

Committee Room,
Austin, Texas, February 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 46, A bill to be entitled "An Act providing for the election of county superintendents of public education by the county boards of trustees; prescribing the duties and qualifications of county superintendents; authorizing the county board of trustees to fix their salaries; etc; and repealing all laws in conflict therewith.

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with

the following committee amendments:

Committee Amendment No. 1.

Amend the bill in Section 3 of same so as to provide that the term of office of the county superintendent shall be two years instead of five years as provided in the bill.

Committee Amendment No. 2.

Strike out of Section 3 of said bill the language beginning: "No person shall be elected county superintendent, etc." together with all the language following the same appearing in said Section.

Committee Amendment No. 3.

Amend Section 4 of the bill by striking out of same the language beginning "but such allowances, etc." together with all the language following the same to the end of said Section.

Committee Amendment No. 4.

Strike out Section 9 of the bill.

WITT, Chairman.

Committee Room,
Austin, Texas, February 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 240, A bill to be entitled "An Act repealing H. B. No. 377 passed by the First Called Session of the Thirty-ninth Legislature of Texas, creating the Lockney Independent School District in Floyd County, Texas, including therein the Lockney Independent School as it then existed and the following common school districts in said county as they and each of them then existed: Irick No. 1, Pleasant Valley No. 2, Munsey No. 3, Aiken No. 7, Roseland No. 17, Prairie Chapel No. 25, and Ramsey No. 27; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with committee amendment.

Committee Amendment.

Amend H. B. No. 240 by striking out Section 1 and inserting in lieu thereof the following:

Section 1. That House Bill No.

377, passed by the First Called Session of the Thirty-ninth Legislature of the State of Texas, creating and establishing the Lockney School District in Floyd County, Texas, including therein the Lockney Independent School District as it then existed and the following common school districts as they then existed: Irick No. 1, Pleasant Valley No. 2, Munsey No. 3, Aiken No. 7, Roseland No. 17, Prairie Chapel No. 25 and Ramsey No. 27, which are set out and described by metes and bounds in said bill as set out in Section 1 thereof, and also providing in Section No. 2 for the management and control of the public free schools of said Lockney Independent School District as in said bill created by a board of trustees composed of seven members, resident citizens and qualified voters in said district and further providing therein that the said district should have and exercise all rights, powers, privileges and duties of a town incorporation under the General Laws of the State for free school purposes and defining the duties of the board of trustees, their terms of office and manner of election, be and the same is hereby in all respects repealed, and the said districts as originally constituted and each thereof shall hereafter retain their original status, their original boundaries, rights and privileges; provided that if any of said original school districts had outstanding bonds or other indebtedness at the time of the creation of said Lockney Independent School District by House Bill No. 377, and which is still outstanding and unsatisfied, then said indebtedness shall be and remain an indebtedness against each respective school district, and the county trustees of Floyd County, Texas, shall have the power, and it is made their duty, to annually levy and assess a sufficient tax upon the property embraced in each respective school district to pay off such indebtedness.

WITT, Chairman.

Committee Room,
Austin, Texas, February 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 231, A bill to be entitled "An Act authorizing Board of Regents to grant leaves of absence in

state educational institutions to teachers and professors to the end that they may prosecute and continue their studies and preparation in other colleges and universities after they have served a certain length of time in the State educational institutions of this State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, February 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 35, A bill to be entitled "An Act to amend Section 5 and 22 of Chapter 176 of the Acts of the Thirty-ninth Legislature approved April first, 1925, relating to the creation of the Free Textbook Commission and defining its powers, now constituting Articles 2843 and 2860 of the Revised Civil Statutes of 1925; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, February 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 211, A bill to be entitled "An Act prescribing that physical education courses approved by the State Department of Education shall be taught in Texas Public Schools; providing for the certification of teachers of physical education; and authorizing the State Superintendent of Public Instruction to provide for the direction and supervision of physical education instruction in the public schools."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, February 9, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on

Public Health, to whom was referred S. B. No. 260, A bill to be entitled "An Act amending Articles 4504 and 4510, of the Revised Civil Statutes of 1925 of the State of Texas, which Articles relate to the licensing of persons to practice medicine and the treatment of diseases or disorders or physical deformity or injury and the effecting of cures thereof, being a part of the laws of this State regulating the same, so as to provide that said Articles and the law of which they form a part and any other law of this State relating to the same subject shall not affect or apply to the practice of the religious tenets of any church provided sanitary and quarantine laws and regulations are complied with; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do not pass.

BERKELEY, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 239, A bill to be entitled "An Act to provide for the care of delinquent colored girls; providing for the establishment and maintenance of a State training school for such girls; providing for its location, control and management; authorizing the raising of funds for such purpose and making appropriations to carry out, the purpose of the Act; providing for and authorizing donations from private sources and from counties and cities for such school, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with the following committee amendment:

Amené Senate Bill No. 239, By striking out Section 12, and renumbering the succeeding paragraphs accordingly.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 280, A bill to be entitled "An Act enacting a new Subdivision or Section of Article 1302 of the Revised Civil Statutes of the State of Texas of 1925 relating to private corporations, authorizing the formation of private corporations to conduct and carry on a general insurance business as an agent; provided that any corporation, incorporated under the provisions of said subdivision or section shall engage exclusively in the general insurance business as an agent; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 243, A bill to be entitled "An Act to amend Article 1302, of Chapter 1, Title 32, Revised Civil Statutes of the State of Texas, 1925, relating to private corporations, by adding thereto a section providing for the formation of private corporations to own, operate and maintain amusement parks, theatres and recreation grounds, with power to maintain, conduct and operate theatrical performances, shows, enterprises and devices for amusement and recreation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 267, A bill to be entitled "An Act to amend Articles 904 and 904a of the State of Texas, relating to the fee for non-residents and providing that the same shall not apply to non-residents who reside in border counties of other states adjoining the State line of Texas, provided that same exemption shall be in effect as to only such non-residents of such states as may adopt a reciprocal pro-

vision exempting residents of border counties in Texas from the non-resident license fee."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 304, A bill to be entitled "An Act to authorize the creation of corporations in this State under the General Corporation Laws for the purpose of owning, raising, selling and leasing animals used in circuses, menageries and zoos, and to buy, lease, own, build, construct, repair and sell wagons, chariots, harnesses, cages and other equipments necessary to and used in the operation of raising and handling animals used in circuses, menageries and zoos, and to own and lease buildings and lands necessary for the raising of such animals and the manufacture of such equipments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 295, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene, accepting the provisions of an Act of the United States Congress approved December 23, 1921, as amended by the Sixty-ninth Congress by an Act approved January 22, 1927, and entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes,' commonly known as the 'Sheppard-Towner Act,' providing that the work shall be carried on through the State Board of Health through its Bureau of Child Hygiene, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 293, A bill to be entitled "An Act granting and donating to Tyler County, Texas, for a period of fifteen years beginning January 1, 1928, that part of the State ad valorem taxes which is in excess of 10 cents on the one hundred dollars' valuation of property subject to taxation collected upon property and from persons in said county including the rolling stock belonging to railroad companies which shall be ascertained and apportioned as provided by law, for road and bridge purposes, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 298, A bill to be entitled "An Act amending Articles 1697 and 1700, of the Revised Civil Statutes, 1925, granting authority to the commissioners' court of the several counties in Texas to establish law libraries, repealing Article 1698, Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 220, A bill to be entitled "An Act to amend Articles 1833, 1834 and 1836 of Chapter 2, of Title 39, Acts of 1925, providing for bailiffs and additional stenographic help for the Courts of Civil Appeals, and fixing the compensation for

such services to be paid from fees collected by the clerk, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 170, A bill to be entitled "An Act to amend Article 3935 of Title 61, Chapter 2 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do not pass.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 212, A bill to be entitled "An Act granting an extension of time for the payment of 1927 State and county taxes in this State of ninety days after such taxes become delinquent under present laws so that no penalties or interest shall accrue on nonpayment of such taxes until after the expiration of said ninety days, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 212, A bill to be entitled "An Act granting an extension of time for the payment of 1927 State and county taxes in this State of

ninety days after such taxes become delinquent under present laws so that no penalties or interest shall accrue on nonpayment of such taxes until after the expiration of said ninety days, and declaring an emergency."

Beg leave to differ with the majority of said Committee, and report said bill back to the Senate with the recommendation that it do pass.

FLOYD,

PARR.

(Majority Report.)

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 189, A bill to be entitled "An Act to amend Article 7257, of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the following committee amendment:

Amend S. B. No. 189, by striking out of the second paragraph of Section 1, all after the first period following the words "prior year or years."

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 189, A bill to be entitled "An Act to amend Article 7257, of the Revised Civil Statutes of 1925, and declaring an emergency."

Beg leave to differ with the majority of said Committee, and report said bill back to the Senate with the recommendation that it do pass.

PARR.

Committee Room,

Austin, Texas, February 8, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee, on Constitutional Amendments, to whom was referred

S. J. R. No. 24, A joint resolution

"Proposing an amendment to the Constitution of the State of Texas, providing for a Supreme Court consisting of a chief justice and not less than eight associate justices; one Court of Criminal Appeals consisting of a presiding judge and not less than two associate judges, and altering the provisions of Article V of the State Constitution so as to more adequately provide for a judicial department of the State government."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with committee amendments and be not printed in bill form but be printed in the Journal.

STUART, Chairman.

(Committee Amendment to Senate Joint Resolution No. 24.)

No. 1. Amend the caption of the Joint Resolution so that the same shall read as follows:

S. J. R. No. 24, A joint resolution "Proposing an amendment to the Constitution of the State of Texas, providing for a Supreme Court consisting of a chief justice and eight associate justices; one Court of Criminal Appeals consisting of a presiding judge and four associate judges, courts of civil appeals, district courts and such other courts as may be provided by law, and altering the provisions of Article V of the State Constitution in other respects so as to more adequately provide for a judicial department and system of the State government."

No 2. Amend S. J. R. No. 24, by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. That Sections 1 to 8 inclusive, 15 to 19 inclusive, and 22, 27 and 29, of Article V of the Constitution of the State of Texas, be repealed and the following section substituted in lieu thereof to be numbered Section 1 of said Article V:

"Section 1. The judicial power of this State shall be vested in one Supreme Court consisting of a chief justice and eight associate justices; one Court of Criminal Appeals consisting of a presiding judge and four associate judges, and courts of civil appeals for such supreme judicial districts as the Legislature may establish, which courts of civil appeals shall each consist of a chief justice and two associate justices; and in

district courts for such judicial districts as the Legislature may create and in such other courts as may be provided for by the Legislature, which other courts until otherwise provided by law shall consist of county courts, commissioners' courts, and courts of justices of the peace and other existing courts. The Legislature shall prescribe the qualifications of the judges or members of the courts, their compensation and tenure of office and the time and manner of their election by the people; but the terms of the members of the Supreme Court, the Court of Criminal Appeals and the courts of civil appeals shall be six years and judges of the district courts not less than four years. Present judges and members of courts shall hold their offices for the remainder of their terms. When this amendment takes effect, the Governor shall immediately appoint six associate justices of the Supreme Court and two associate judges of the Court of Criminal Appeals to complete the membership of said courts as herein provided, for terms so that the terms of two of such associate justices will expire coincident with the expiration of the term of office of each of the present members of the Supreme Court, and so that the terms of one of said two associate judges of the Court of Criminal Appeals will expire coincident with the expiration of the term of office of each of the two present associate judges of said court, and upon the qualification of such new judges the commissions of appeals now existing for the Supreme Court and Court of Criminal Appeals shall expire and the Supreme Court and Court of Criminal Appeals shall immediately function with nine members and five members respectively; and until otherwise provided by law, all other courts in existence at the time this amendment takes effect shall continue to function and have the jurisdiction now provided by the Constitution and Laws of this State. The Legislature shall fix the terms of courts authorized by law and define districts and jurisdiction of such courts and may make provision for the assignment by the Supreme Court or other agency, of judges among the several courts and districts to expedite business. A jury in the county court shall consist of six men. This section or amendment

supercedes Sections 1 to 8, inclusive, 15 to 19, inclusive, and 22, 27 and 29 of Article V of the Constitution of this State, but all statutes enacted in conformity with said superceded sections not in conflict herewith shall continue in force until repealed, altered or amended by the Legislature."

No. 3. Amend S. J. R. No. 24, by striking out of Section 2 thereof all between the words, "printed on said ballot" and the words, "if it appear" and insert in lieu thereof the following:

"For the amendment to the Constitution of the State of Texas providing for a Supreme Court consisting of a chief justice and eight associate justices; one Court of Criminal Appeals consisting of a presiding judge and four associate judges, courts of civil appeals, district courts and such other courts as may be provided by law, and altering the provisions of Article V of the State Constitution in other respects so as to more adequately provide for a judicial department and system of the State government;" and each voter favoring said proposed amendment shall scratch off of the ballot in the same manner the following words printed in said ballot: "Against the amendment to the Constitution of the State of Texas providing for a Supreme Court consisting of a chief justice and eight associate justices; one Court of Criminal Appeals consisting of a presiding judge and four associate judges, courts of civil appeals, district courts and such other courts as may be provided by law, and altering the provisions of Article V of the State Constitution in other respects so as to more adequately provide for a judicial department and system of the State government."

No. 4. Amend S. J. R. No. 24, by striking out of Section 2 the following words: "21st day of June" and insert in lieu thereof the following: "first Monday in August."

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,

Thursday, February 10, 1927.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Moore.	Wood.
Neal.	Woodward.

Absent.

Miller.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Lewis.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Stuart and Wirtz:

S. B. No. 324, A bill to be entitled "An Act authorizing the creation of trust companies, defining their powers, fixing their liabilities, providing for the manner and form of their incorporation, providing for the supervision of the same by the State Banking Commissioner, providing for reserves against deposits, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Real:

S. B. No. 325, A bill to be entitled "An Act amending Article 4604 of the Revised Civil Statutes, 1925, relating to marriage licenses; requiring the county clerk to deliver in person or by mailing the marriage license to the husband after the same is recorded; requiring the address of the husband to be stated in procuring a marriage license so that the original marriage license may be mailed to him by the county clerk, and declaring an emergency."